UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN DANIELS,

                Plaintiff,

                Hon. Hugh B. Scott

v.

                10CV884(HBS)

                (CONSENT)

PATROL OFFICER RALPH, et al.,

                Order

                Defendants.

Before the Court are two motions: first is the pro se plaintiff's motion for copies of documents (Docket No. 8) and second is defendants' motion for extension of time to Answer (Docket No. 10). The parties consented to proceed before the undersigned on October 28, 2011 (Docket No. 15), after a Scheduling Order was entered (Docket No. 14).

On plaintiff's motion for copies, plaintiff was granted leave to proceed in forma pauperis (Docket No. 4; cf. Docket No. 2, Pl. Motion). In forma pauperis status under 28 U.S.C. § 1915 allows a plaintiff to file his Complaint without prepaying filing fees, 28 U.S.C. § 1915(a)(1). Courts have held that these "fees" do not include copying costs, Hullom v. Kent, 262 F.2d 862, 863-64 (6th Cir. 1959) (per curiam); In re Fullam, 152 F.2d 141 (D.C. Cir. 1945) (per curiam); Ex Parte Allen, 78 F. Supp. 786, 787 (E.D. Ky. 1948). Thus, there is no basis for providing a free copy of the documents sought by plaintiff, despite his appearing in forma pauperis; plaintiff's motion (Docket No. 8) is **denied**.

On defendants' motion (Docket No. 10), defendant Mottl was served (while other defendants had yet to be served, Docket No. 11, Defs. Atty. Decl. ¶ 3) and his Answer was due by August 22, 2011 (id. ¶ 4). On August 25, 2011, defendants moved (nunc pro tunc) for extension of time after counsel was assigned this case (id. ¶ 5), seeking leave to file the Answer by October 6, 2011 (Docket No. 10, Notice of Motion). On October 5, 2011, defendants filed their Answer (Docket No. 12). Plaintiff voiced no objection to the delay in filing the Answer and appear not to be prejudiced by it. Therefore, defendants' motion for extension (nunc pro tunc) (Docket No. 10) is **granted**.

So Ordered.

/s/ Hugh B. Scott
Honorable Hugh B. Scott
United States Magistrate Judge

Dated: Buffalo, New York
November 2, 2011